

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD**

**JOSEPH G. KIRK and TRACIE KIRK,**

**Plaintiffs,**

**v.**

**CIVIL ACTION NO. 1:18-cv-00932  
HONORABLE DAVID A. FABER**

**DAVIS H. ELLIOT CONSTRUCTION  
COMPANY, INC.**

**Defendant.**

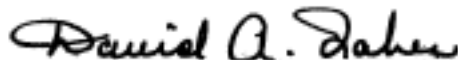
**DISMISSAL ORDER**

**COME NOW** the Plaintiffs, Joseph G. Kirk and Tracie Kirk, by counsel, Brian Ooten and the law firm of Shaffer & Shaffer, and Defendant, Davis H. Elliot Construction Company, Inc., by counsel, Wendy E. Greve, W. Austin Smith, and the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC, and hereby represent to the Court that all matters in controversy between all parties have been fully settled and compromised and that the parties hereto move the Court to dismiss this matter from the Court's docket with prejudice.

The Court hearing no objection and perceiving of none, hereby **ORDERS** that this civil action be **DISMISSED**, with prejudice, and stricken from the Court's docket.

The Clerk is directed to send certified copies of this Order to all counsel of record.

Entered this 14th day of August, 2019.

  
Honorable David A. Faber

**AGREED TO BY:**

/s/ Brian Ooten  
Brian Ooten, Esquire  
Shaffer & Shaffer  
330 State Street  
Madison, WV 25130

Counsel for Plaintiff

/s/ Wendy E. Greve

Wendy E. Greve, Esquire

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*Counsel for Defendants*